

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CCM PATHFINDER POMPANO BAY, LLC,	:	INDEX NO. 08 CIV 5297
Plaintiff,	:	
-against-	:	<b>STATEMENT OF PLAINTIFF CCM</b>
	:	<b>PATHFINDER POMPANO BAY, LLC</b>
	:	<b>PURSUANT TO RULE 9027(E) OF THE</b>
COMPASS FINANCIAL PARTNERS LLC	:	<b>FEDERAL RULES OF BANKRUPTCY</b>
and COMPASS USA SPE LLC,	:	<b><u>PROCEDURE</u></b>
Defendants.	:	
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Pursuant to Rule 9027(e)(3) of the Federal Rules of Bankruptcy Procedure, plaintiff CCM Pathfinder Pompano Bay, LLC ("Plaintiff") hereby submits the following statement:

1. On June 5, 2008, Plaintiff filed a Complaint in the Supreme Court of the State of New York ("State Court") for (1) Breach of Contract, (2) Breach of Fiduciary Duty, (3) Declaratory Relief, (4) Negligence, and (5) Accounting (the "State Court Action") against defendants Compass Financial Partners LLC and Compass USA SPE LLC (collectively, "Defendants").
2. On June 10, 2008, Defendants filed a Notice of Removal of the State Court Action to this Court under 28 U.S.C. § 1334 and 28 U.S.C. § 1452.
3. Defendants' Notice of Removal contends that the State Court Action is a core proceeding pursuant to 28 U.S.C. § 157(b).
4. Plaintiff denies Defendants' allegation in the Notice of Removal that the State Court Action is a core proceeding. Plaintiff contends that the State Court Action is not "related to" any bankruptcy case and that the State Court Action should be remanded to State Court pursuant to 28 U.S.C. § 1334(c) and 28 U.S.C. § 1452.

5. Plaintiff does not consent to entry of final orders or judgment by a bankruptcy judge.

Dated: New York, New York.  
June 19, 2008

DLA PIPER US LLP

By: 

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CCM PATHFINDER POMPAÑO BAY, LLC

**DEMAND FOR JURY TRIAL**

In the event the State Court Action is not remanded to State Court, Plaintiff hereby demands a jury trial as provided by Rule 38 of the Federal Rules of Civil Procedure.

Dated: New York, New York.  
June 19, 2008

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